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In re Application of :
SUBRAMANIAN et al. :
Application No.: 10/070,282 :
PCT No.: PCT/US00/24142 :
Int. Filing Date: 01 September 2000 :
Priority Date: 07 September 1999 :
Attorney Docket No.: PER0020 :
For: QUATERNARY AMMONIUM SALTS AS
THICKENING AGENTS FOR AQUEOUS
SYSTEMS

DECISION ON REQUEST

This decision is in response to applicants' "Petition For Revival of Unintentionally Abandoned Patent Application" which is being treated as a petition under 37 CFR 1.181 and renewed request under 37 CFR 1.497(d) filed 20 January 2004.

BACKGROUND

On 01 September 2000, applicants filed international application PCT/US00/24142 which claimed a priority date of 07 September 1999 and designated the United States. The international application named Shankar Subramanian, Mojahedul Islam, and Cent Burgazli as inventors. A Demand for international preliminary examination was filed prior to 19 months from the priority date. Accordingly, the thirty-month period for paying the basic national fee expired at midnight on 07 March 2002.

On 04 March 2002, applicants filed a transmittal letter for entry into the national stage accompanied by, *inter alia*: the requisite basic national fee and a copy of the international application.

On 15 April 2002, applicants filed "Petition to Correct Inventorship under 37 CFR 1.48(a)." The Request under 37 CFR 1.497(d) was dismissed in the Decision mailed 18 June 2002.

On 07 May 2002, the United States Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The Notification of Missing Requirements was vacated in the Decision mailed 18 June 2002.

On 11 February 2003, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT indicating that the application was abandoned for failure to file a complete response to the Decision mailed 07 May 2002 within the time period set therein.

On 20 January 2004, applicants filed the present petitions.

DISCUSSION

A. Petition under 37 CFR 1.181

Applicant states in their present petition that the "Renewed Request under 37 CFR 1.497(d)" and a "Declaration and Consent" were received by the USPTO on 10 July 2002. A review of the application file reveals that the response to the Decision filed 10 July 2002 is not located therein. Section 503 of the Manual of Patent Examining Procedure under the heading "RETURN POSTCARD" states, in part:

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO."

Here, applicants have provided a copy of their date-stamped filing receipt. The receipt identifies the application by the title of invention; application number; and the docket number. The evidence submitted by applicants, consisting of a postcard receipt with a PCT/PTO mailroom date stamp of 10 July 2002 which itemizes all the papers filed on said date including: Renewed Request under 37 CFR 1.497(d). The postcard receipt bearing the serial number, title of invention, and attorney docket number is sufficient to indicate that the above papers were received on 10 July 2002.

B. Renewed Request under 37 CFR 1.497(d)

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires: (1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part; (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.497(a); (3) the fee set forth in 37 CFR 1.17(i); and (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b). Applicants have satisfied items (1), (2) and (3).

C. Name Change

Applicants state in the "Renewed Request under 37 CFR 1.497(d) that "the inventor's name, Cenk Burgzli, is correct as it appears in the declaration filed April 15, 2002. The name "Cent" as it appears in the International Application is a typographical error." As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a

petition under 37 CFR 1.48(a) is not required. Accordingly, applicants' explanation of the difference in the spelling of the third inventor's name is accepted and noted for the record.

The correspondence address will be corrected in the PALM database to: Ralph J. Mancini, Akzo Nobel Inc., 7 Livingstone Avenue, Dobbs Ferry, New York 10522-3408

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED** and the Notification of Abandonment dated 11 February 2003 is hereby **VACATED**.

The request under 37 CFR 1.497(d) is **GRANTED**.

A review of the application papers reveals that applicants have completed all the requirements of 35 U.S.C. 371 for entry into the national stage. This application will be given an international application filing date of 01 September 2000 and a date of **15 April 2002** under 35 U.S.C. 371.

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.



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